

**Notice of Public Meeting  
Town of Superior  
Regular Council Meeting  
Thursday, August 18, 2011-7:00 P.M.  
Superior Senior Center  
360 Main Street, Superior, AZ 85173  
MINUTES**

**A. CALL TO ORDER**

Mayor Hing called the meeting to order at 7:00 p.m.

**B. SALUTE TO THE FLAG**

Mayor Hing led the salute to the flag.

**C. OPENING PRAYER**

Mayor Hing led the opening prayer.

**D. ROLL CALL**

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla "Kiki" Peralta, Mayor Michael Hing, Vice Mayor Olga Lopez

Absent: N/A

**E. CONSENT AGENDA**

1. Approval of Minutes for Regular Meeting August 4, 2011
2. Approval of Liquor License for Special Event for St. Francis of Assisi Church

Mayor clarified that on Page 8 the minutes did not show that he had pointed to the Chief (Deputy Town Manager Digirolamo) in answer to Vice Mayor Lopez' question as to whether they had a town clerk and if so who was it. He wanted to answer that question that was left open ended in the minutes. He apologized to the minute taker that instead of saying anything he gestured.

He asked if there were any other questions regarding the minutes of the August 8 meeting or special event for the church. There were no questions. He said if not was there a motion to approve the consent agenda.

**MOTION:**Vice Mayor Lopez moved to approve the consent agenda. Council Member Tomerlin seconded.

**VOTE:**The vote was to unanimous to approve the consent agenda.

**F. COMMUNICATION**

1. Manager's report—Deputy Town Manager Lou Digirolamo

a) Update from Finance Department Accounts Receivable/Payable—Nicole Welty

Deputy Town Manager Digirolamo explained that Nicole Welty was in training that day and not in town. She lives in the Valley and the weather was so severe down there she felt it was not safe to drive up. So he didn't make her come up and asked that they table this and bring it back to the September 1 meeting.

Mayor Hing said okay and if council had any questions hold for the staff.

b) Update call for BIDS of Magma Club Air Conditioning upgrades —Lou Digirolamo

Deputy Town Manager Digirolamo said at the last meeting there was a presentation about air conditioning units and quotes for the Magma Club. The quote the staff had suggested was rejected by the council and staff was instructed to put this out for RFP. It was put out for RFP. The first ad was placed in the Superior Sun. It is required to be put in one more edition next Wednesday.

He made further comments. He also said that after the deadline was over for bids it would be brought back to council.

Vice Mayor Olga Lopez asked about the charge for a bid packet.

Deputy Town Manager Digirolamo responded said this was a standard fee charged by Wildan Engineering.

Mayor Hing asked if there were any questions. There were none. He asked if this would get to the second meeting in September to try to move this thing along.

Deputy Town Manager Digirolamo said yes.

Council Member Aguilar said that the gas line was not large enough. It was probably going to have to go with heat pumps instead of gas pumps at this point, unless in their bid they can bid that they're going to put in the gas line also. But at this point that gas line is not sufficient for those units. What they had there before were suspended heaters just hanging on the walls.

A question was asked as to what the difference was. Council Member Aguilar said that certain elevations were not going to work as well. He did not think they would have the problem here because the elevation isn't high enough but if it were a little higher they could present a problem but it might not. They are also cheaper.

Mayor Hing said there were always discrepancies because he knew people who have heat pumps who say they work "lousy" here. But he thinks it is up to the bidders to understand what they are getting into and look into what utilities are available when they make their bids.

Deputy Town Manager Digirolamo said one more note for the council is that he did re-contact personally the four bidders. He told them they were coming back out with another bid proposal, and if they were interested to check the paper.

Council Member Gutierrez said he was looking at the RFP. Was there a requirement to be a licensed contractor?

Deputy Town Manager Digirolamo said yes.

Mayor Hing asked if there were any other questions. There were none. He said they would go on to the next item.

c) FMLA guidelines and Town's responsibilities – Chris Wencker

Mayor Hing said this was an issue brought up in the last meeting. Chris (Town Attorney Chris Wencker) was going to clarify the process of the medical leave issue concerning employees.

Attorney Wencker said he had sent a memorandum through the Chief (Deputy Town Manager Digirolamo). Everybody should have a copy of that. Did everybody have a chance to look that over?

That outlined some of the basic characteristics of the Family Medical Leave Act. Basically in a nutshell it requires that if somebody is suffering from some severe illness or has a family member who is suffering from a severe illness or has a child (suffering from a severe illness), something like that, there could be allowed 12 weeks of leave to attend to that. It could be unpaid. It could also be as a paid leave if you had approved that. But they are entitled to have up to 12 weeks leave in any 12 month period. So in a year, they get 12 weeks of leave. And then at the end of that leave, if they come back to work, their job is supposed to be available to them under the same conditions and circumstances they had before they left. They can come back to work and do the same job they did before. The purpose is to let people continue to have their jobs if they have a debilitating illness for a period of time, but then they can return to work.

The 12 week period was decided to be a fair balance between employers, to not have their employees gone all the time, and employees dealing with serious illnesses. Those are the basic features of the Family Medical Leave Act.

He said he'd be happy to answer any questions that anybody had about that. Just keep in mind that as the agenda reads, this is about the Family Medical Leave Act, the statutes in particular, and not a particular case or particular employee.

Mayor Hing questioned: Just to make a point, then, on doing the leave of absence of this individual, they do not collect an income from the employer?

Attorney Wencker said that is correct. They do not have to be paid an income.

Vice Mayor Lopez asked if they had to pay their benefits or insurance coverage.

Attorney Wencker said yes. If they are going to continue to receive their health insurance, they are required to pay their contributions for the premiums. Those premiums have to be paid for the employee even during that leave period. But then, of course, the employer also has to pay the employer's part. He asked if that answered her question.

Vice Mayor Lopez said yes. She had another question. She said she understood that when the person comes back, they are to be given their position back. Since some towns have town managers and some don't, it could be the discretion of the council to change that title if they wished.

Attorney Wencker advised being careful about taking that kind of action. The broad purpose of the Family Medical Leave Act is to not discriminate employees who through no fault of their own suffer illness that takes them away from work. Any action that is taken after an employee returns that changes the conditions of employment could be considered (inaudible). So it may be something that is within the council's powers to do. He recommended the council consider carefully whether or not they want to exercise that discretion. (More comments.)

He discussed a statement in the FLMA of Congress' purpose in enacting the FLMA. It states the purpose is to protect the employee so the employee does not suffer adverse consequences as a result of an illness.

He said he knew that was a long answer to a short question. It may be something that a council could do. He would advise careful thought about that. If they want to discuss that issue any further as it relates to a particular case, he would recommend they have an executive session so that he could provide advice to the council.

Vice Mayor Lopez said Attorney Wencker didn't answer the question, but had said that the answer referred to an executive session. That is why she did not understand it. But in his explanation he referred to "the change after they return." Does that also apply while they are out?

Attorney Wencker said yes. During that time they could not take any actions considered punitive or retaliatory to the person taking medical leave. Did that answer her question?

Vice Mayor Lopez said yes.

Council Member Gutierrez had a question. He referred them to a section that said an employer may adopt a uniformly applied policy requiring certification of a health care provider that the employer fully is capable of returning to work. He asked Attorney Wencker to expand on that a little bit.

Attorney Wencker said yes. That is primarily designed for safety sensitive decisions, for decisions that require physical activity. So if an employee, for example, has just been out with a broken leg and referred for return to work and that employee performs physical labor, the employer might have a blanket policy that says employees in these kinds of positions or employees who have certain kinds of duties or something like that will have to take a certification from their doctor saying that they can still do those functions and that they can return to work. It's similar to workers' comp in having a

doctor certify the employee can return to work. He asked Council Member Gutierrez if that answered his question.

Council Member Gutierrez said yes, he guessed he was looking at “uniformly.” Expand on that.

Attorney Wencker said uniformly, as being uniformly applied, is that the policy should be applied neutrally/uniformly to all employees if the employees are in certain categories that require certain kinds of job duties. So for example all employees in a department or all sworn law enforcement officers or all firefighters or anyone who works in the public works department, things like that where it’s a usual policy that is applied uniformly to all employees in a similar situation. That’s what that is, so it can’t be just one employee who they decide to require doctor certification to return to work.

Council Member Gutierrez said thank you.

Mayor Hing said he had a question. Who authorizes this? Who can authorize the medical leave?

Attorney Wencker said the short answer is Congress authorizes that.

Mayor Hing referred to a comment that they were supposed to do this.

Attorney Wencker said, well ...

Mayor Hing said that was made last week by Council Member Peralta, accusing him that he signed this release. So he wants to clarify who has a right to sign this.

Attorney Wencker said it is a right the employee has pursuant to the law. It is not something that is necessarily approved or disapproved. If the employee meets the criteria ... needs to take a leave, the employer can then require them to provide certain things from a doctor, designate a specific date the leave is started, have a policy to require the employee take paid leave as opposed to unpaid leave, those kinds of things but there is no approval process necessarily.

He said if you have to take a leave, you have to take a leave, and you just go and do it. There may be action that the employer takes relative to certain information from the doctor, vis-à-vis paid leave instead of unpaid leave. Those kinds of things are things that the employer can take action on.

But it isn’t as though there’s an approval process where they ask, “May I please take medical leave.” It is really more of a verification of the employee to the employers that: “I’m sick. I can’t work. I’m going to go on medical leave.” And, if the employer, for lack of a better word, wants to approve or disapprove that leave, then that is where they get certain items from a doctor ... and if a sick employee qualifies for leave, there is just no authority or discretion in that for the employer to say yes or no.

He asked Mayor Hing if that answered his question.

Mayor Hing said yes that answered that question. He said he wanted to clarify he did not sign a document placing the manager on medical leave of absence. He said that was an accusation made by a council woman last week or at the last meeting.

Vice Mayor Lopez said she did not think it was so much ...

Mayor Hing interjected that it was directed at him.

Vice Mayor Lopez continued that she thought the question was that our town manager is HR, so that if anyone under her ...

Council Member Gutierrez interjected a comment.

Attorney Wencker said he was going to suggest that strays a little far from the agenda item. He thought he knew where they were going with this. He said he could tell them something within compliance with what he'd been asked to talk about.

There may be some administrative functions with Human Resources (that if) the person who usually does that is the person who is gone (comments on having someone finish those tasks). But as far as having some sort of approval process ... it is not required.

Attorney Wencker also made a comment regarding unspecific discussions not being on the agenda.

Vice Mayor Lopez said she understood.

Attorney Wencker asked if there were any other questions.

Council Member Aguilar said when that person comes back, can they require a second opinion? Since it is a continuous illness, they have never gotten a second opinion.

Attorney Wencker said disregarding anyone in particular ...

Council Member Aguilar said, yes, if somebody ...

Vice Mayor Lopez said just in general ...

Attorney Wencker made several comments regarding getting a second opinion if somebody returned from medical leave. He said it is generally held that a doctor's note would be the standard but it may be that the town can ask for a second opinion. That is something the town would have to pay for. That is something he would have to research a little bit more just to make sure they could do that properly.

Mayor Hing asked if there were further questions. If not, they would move on to the business items. There were no questions.

**G. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

1. Discuss/Approve/Reject blanket permit request from Mary Romero.

Deputy Town Manager Digirolamo presented information on this item that had been tabled at the previous meeting. There had been verbal communication that the grandmother of an individual for whom headstone funds were to be raised did not want the fund-raising.

Deputy Town Manager Digirolamo was asked to get a letter and that was in their packet. The grandmother was requesting they not do a blanket permit.

**MOTION:** Council Member Tomerlin moved to reject the blanket permit request from Mary Romero. Vice Mayor Lopez seconded.

**VOTE:** The vote to reject was unanimous.

2. Discuss/Approve/Reject Resolution 531 abandonment request of Gibbs Street alignment parcel number 105-05-154

Deputy Town Manager Digirolamo passed out to council a larger scale drawing of the parcel. He looked at the audience and said he did not think anyone was coming regarding this.

Council Member Gutierrez asked the deputy town manager to give him an idea regarding this.

Deputy Town Manager Digirolamo said this property was across the street from Casa Denogean's on Belmont. It is on the southwest corner of Belmont and Highway 60. This was a business. It has since closed. The applicant is the Rose family. Tina Rose has filled out the application for this abandonment.

He said if council knew the building at all, it abuts to the west side of Belmont and if you were to go straight from the building it would take you eastbound on Gibbs. Sometime in the past, looking at the plat maps, that was a Gibbs alignment, but he didn't think the street ever went through there westbound on Gibbs. And if they looked at the bigger map next to the mayor, it would be impossible to have a street go down there because at the top is the ADOT right of way, so he did not see that ADOT would give up their right of way or haven't given up their right of way for the town to continue a westbound continuation of Gibbs. And if they did, it would take the front of the old auto center there, the other buildings and all the way to the Circle K.

He said what they are looking for is the abandonment of that spot that would take in that part of Gibbs and, if council is familiar with that building, it is basically the entire ramada. That used to be a gas station at one time. There are no gas cylinders or tanks there anymore. There was not an issue with that.

He said the reason the applicant brought this forward to the council is they have negotiated a sale for the building. But before they can sell that building, they are trying to get the abandonment.

Council members asked questions about details concerning the property and the process the applicant has gone through. Deputy Chief Digirolamo responded.

Mayor Hing asked about a resolution concerning abandonments pricewise. He believed the deputy town manager had mentioned that prior councils had passed resolutions with dollar amounts for abandonments.

Deputy Town Manager said he needed more research but Resolution 278 had been enacted the 20<sup>th</sup> day of March 1997. At that time, the council had made a resolution that they would not abandon or sell any property that had a value over \$1000. That is why staff has come in with a \$1000 fee structure on this. Because, looking at Resolution 278, he did not think they could assess any more. But he would still like to go forward because he did not think the roadway is ever going to be realigned there in the future because of ADOT.

Council Member Tameron asked about the widening of U.S. 60.

Deputy Town Manager Digirolamo said ADOT could only take up to their right of way unless they end up purchasing property at fair market value. ... But for where their right of way is now, the town would not go on the property.

There were further comments.

Council Member Gutierrez questioned whether from the map they were talking about two lots, 4 and 5.

Deputy Town Manager Digirolamo said yes, owned by the same person.

Council Member Gutierrez asked when considering value, whatever that number is, is it based on bulk lots or just the one lot?

Deputy Town Manager Digirolamo said it is based on both lots.

Mayor Hing said that going back to Mr. Gutierrez' question, the resolution speaks about per lot, then? So would that be double that amount? Since the abandonment was by some resolution \$1000, since they've gone to another lot, it is \$2000?

Deputy Town Manager Digirolamo said he did not read it that way. Maybe the town attorney might. He read the resolution that said the abandonment would be a minimum of \$200 but not to exceed \$1000.

Council Member Aguilar asked if they could table it for more information.

Council Member Gutierrez said the question for him is that on the resolution, without being illegal, these two lots are already as a parcel entangled. They would be joined together but they are talking about two lots, not one. Because you could do that, you could have a string of eight lots together and ask for abandonment.

"And just pay one price," said Mayor Hing.

Council Member Gutierrez said yes. He didn't think that is the way the resolution should read.

Council Member Tameron said he had a question. That resolution was drawn up because of abandonment, right? Can they go back to that original reason, why it was one lot or several lots?

Deputy Town Manager Digirolamo said he would refer that to the town attorney to see if he could provide a legal opinion either now or in the future.

Attorney Wencker said the resolution did not specify that a piece of property being considered for abandonment should be considered based upon which lots are a part of the property. It speaks only of property. It does not specify it has to be lots, that it has to be abandoned lot by lot. It just says property. It really doesn't say one way or another. He guessed the short answer is it doesn't address specifically whether or not a piece of property that is to be abandoned is in lots. It really doesn't seem to make much distinction in that regard. He asked if that answered the question.

Council Member Tameron said no. Have they ever used that resolution on other properties that the town has abandoned? That was his question.

Council Member Gutierrez said they had done one lot, never two.

There were further comments and ongoing discussions. Participating from the audience in the discussions were Roy Chavez and Manuel Ortega.

**MOTION:** Council Member Aguilar moved to table the item. Council Member Peralta seconded.

There was further discussion. Participating from the audience was Roy Chavez and Pam Dalton Rabago.

**VOTE:** The mayor called for a show of hands. The vote to table was 6-1 with Council Member Gutierrez opposed.

#### **H. CALL TO THE PUBLIC**

Curt Williams passed out written comments to members of the council. He also spoke verbally. He advised slowing down on the abandonment of the future Farmer's Market site and covered a number of other items, including parking for the Triple C Café and gas appliances.

Roy Chavez commented on funds missing from the Town of Superior's bank. He finds it serious that this money is missing and is there any other money missing and how come it is missing. He had heard conversation blaming the bank and felt this was detrimental to every bank in the area. He was disappointed the council had said the bank was to blame. Also you can always assess an employee's work performance. All employees are covered under labor standards. All employees are equal. His concern in regard to the town manager, town hall, town services, is how much time she incurred. He said the council and public should know that information. Also he did not want to rain on anybody's parade but he understood that within the last few months they were approached by the Little League in regard to continuing to pay the water bill in the

Little League field. He believed this is illegal. He discussed former fund-raising the Little League did and how they did not then have a utility bill because they did not have grass. He did not want to see them hurt but there is an effluent line that travels from the school area to the Little League field. He has heard speculation the line is not working. But if they are going to put any money towards the field there, he would put it in that and then offer the water to the Little League at a minimal cost. He discussed how the community is limited in fields and adults are not able to use that field. There were further comments.

Mayor Hing responded to Mr. Chavez to go to the town manager with questions. He said the items have been discussed in meetings and council has been advised of all these issues. If Mr. Chavez did not wish to ask council, the town manager would explain.

Council Member Gutierrez responded to Mr. Chavez regarding raining on people's parades. From his point of view the allocation of funds was not going to be part of the recreation program. It was going to be a separate line item. It is very selective. It is really going to be a line item for the Little League water so that way everyone knows what that amount is. During the budget session it was difficult for him because there were two items, one for medical and one for the Little League program. They had to accept the budget as a whole or not. He was reluctant but at the same time, he made sure that Parks & Recs were okay with it and they were okay with it.

Manuel Ortega said most of the people up there (council) work for a living. They spend a lot of money for an attorney. He advised the council to work together, call each other. If somebody is not doing their job, terminate but be careful and do it right. He advised them to research the water issue. He hasn't heard anyone saying anything about that. If something happens to the water supply, that's it. He made further comments.

Pam Dalton Rabago said she did have a concern about the sewer issue. The people of the town set up the sanitary system. They were tapped. They paid for it. She thought that if somebody is going to hook up to their sewer system that is not within the town, they should pay a much larger fee. They are not a part of the town. They didn't pay for the sewer: "We did."

Freddie Miramon asked is the Town of Superior concerned regarding the trees. It looks like the excavation is finishing. He asked that the park be brought back to its natural beauty. He made further comments.

Henry Munoz said he had been a Little League coach and officer. They used to do a regular fund-raiser but now it seems as if they do not. As for the sewer line, he was a member of the council at that time and the general plan was to put up a six foot fence and use water for the park. He said that, as Mr. Chavez said, they would be better spending their money to get that line repaired. He also referred to the case of the missing funds supposedly hacked by the Russia Mafia and said he would like to get in touch with the Chief (Deputy Town Manager/Police Chief Lou Digirolamo) regarding that investigation. He made further comments.

#### **I. EXECUTIVE SESSION:**

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03(A-1) (A-3) & (A-7)

A-1 –PERSONNEL: A-3 LEGAL ADVICE WITH ATTORNEY

A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

There was no executive session.

## **J. COUNCIL COMMENTS**

Council Member Peralta: N/A

Council Member Aguilar: I just find it hard sometimes to get accused of things that they have no clue that we've gone over and have checked. We do look into all allegations that you put out about the sewer, about the water, all these things we are checking up on. It doesn't happen overnight. We do check on things and we do research and again it doesn't come overnight. The fact is we're working hard on making sure that these things are eliminated, that we get these things right. I agree with Pam on putting the higher cost. It's true, the people here are the ones that paid for the sewer system. Also, the fiestas, we make sure that everybody gets involved in that. They need a lot of help and it'd be nice if we got more participation.

Council Member Gutierrez: I would just like to make a comment on the stolen funds that, as the mayor was saying, the town has been hacked and the FBI (is working on the case). There has been an agreement with the bank ... the FBI is the one looking into this. So that has been addressed. I do support what Mr. Munoz was saying about fund-raising in the Little League. I support that. ... I agree with you. I think the Little League has the opportunity to go out and do fund-raising. That's an additional \$6000 ... I'd like to see those tax dollars come back to the community whether it be for programs that are for the community in general not for a specific venue or obligation. I agree with Mr. Miramon. I have voiced my concerns. I think it is kind of haphazard out there without any consideration to landscaping. My direction to staff would be tell the contractor not to let that go very long. I'm sure the staff will work with the contractor to make sure they are doing that. He also commented on the fiestas.

Council Member Tomerlin: N/A

Council Member Tameron: I was the one who requested the auditor come back into town and give us an update on what's happening. Because, being new on the council, I heard a lot of stories, and I heard it from the horse's mouth and whoever else was here heard it. I was glad they came up and said it because they cleared my mind on a lot of questions I had. On the sewer, I agree with Pam. I was an employee of the sanitary district when Magma Copper hooked up to the sewer system, the collection system up on Mine Avenue. I guess they did pay a larger amount of money for the use of the houses up in that area. We did pay an \$800 assessment fee, plus the tap fee, plus and plus and plus and plus. As a business owner we paid commercial rates on the assessment and it was quite a bit higher than residential rates. We paid it then and I think whoever comes on now should have to pay it also. Thank you.

Vice Mayor Lopez: A couple of comments, one of them as to what Mr. Miramon said about the digging. I saw that all week long and there's not a lot of blockage or safety issues. It's like they're digging and it's just there. The buses go through there and people walk through there so that's kind of another safety issue but I think we do need to look at things are returning to normalcy,

but there is a lot of digging, a lot more than I anticipated. There was also a lot of digging up here by Resolution. I don't know if it was their property or the town's, whatever, but anybody else that comes in, whether it's the gas line or the water line, when they're digging up, my concern is we're not capitalizing on a lot of those permits that we should be getting and we need to incorporate that into our system. I don't want to get involved in administration. I don't know who would be involved in that but it's something that we definitely need to incorporate, to get into. Regarding Little League fund-raising, I know they have been very diligent in the past few years getting support. I know they did a big golf tournament and they continue to do a lot of fund-raising. I know that awhile back, and it's been awhile, during the discussion on the budget, it was mentioned that we would definitely look into the line connection because I understand that it was cut and the town was going to go look into it. I don't think it was given to anyone in particular so I think we need to make an assignment to staff to somehow follow through with the people involved ... and see how we can get that reconnected because that would be a very good source for the continued water of that League. It looks beautiful, the field and everything, but it is very expensive and I know it's costing and we have said we're going to give it to them or help them out but if we get that connection it'll be a lot of savings, not just to them but to us. And, just a response ... to what Chris told us last time ... it wasn't given to the private individual, it was given to the Little League, which is a nonprofit organization, and that was by advice of our attorney. I would like to get on the agenda, Chief, the last time we talked about RIFA and we didn't get that grant, weren't you going to have a meeting with them? ... I'd kind of like an update ... and then we also put a hold on our fireworks. Just as a little insight, the Optimist Club met this last week and we're trying to figure out what we're going to do for the holiday tradition, the light parade. We're kind of thinking of doing a Centennial thing this year because we know that next year is the state centennial, so we thought we could probably kick it off at the end of the year. And, we thought that maybe it would be possible to get fireworks. We haven't used them. I am not sure where else we are going to use them but I'd hate for the town to put that off until next year. That is just a suggestion but maybe we need to look at putting on the agenda fireworks, where we are going to use them. I think that's all, thank you.

Mayor Hing: Okay, some things going on out there today, especially during the call to the public. As you are aware, Council, the item for Resolution was pulled because staff and myself thought it was incomplete. It was not a complete proposal. So, they are coming back to us in September with that sewer issue concerning providing services to the mine, so that is a still ongoing issue. To be sure that it's not flowing, as some people suspect that the sewer is flowing but it is not flowing at this time from off the property. The other issue concerning the water we have set for September 15 and I invite the public to come out and invite your friends. The Arizona Water Company will come out here and address the public concerning the future state of the water for the town of Superior and also for the region so they'll be out here to do a presentation concerning the issues that our community will face in the years to come. That is slated for September 15 so invite your neighbors, those who are concerned about the water issue, and that's an issue that's being constantly brought up. Going back to the Little League issue, yes I did support that motion to carry the Little League for the year because of the predicament that they entered into with the grass. I've asked the board, members of the board, to try to pursue some options regarding the effluent line. The Hing and O'Donnell family do not have a problem with the effluent water. The pipe is run across private property. That needs to be resolved and so hopefully the doors have been open and I hope that the board members will entertain that door opening on the Smith issue, to get that moving ahead because we aren't expending water that we have because we just got informed that we let ... gallons of water go down the creek from

our town every day, so that's quite a bit of water that just goes down the creek. We need to capitalize on using as much of that water as possible. That is an ongoing issue so the vice mayor mentioned about somebody from staff. ... I want the Little League board to come forward and if they want us to work on it, I've done what I could. If they want me to proceed further then they need to address that further. There is an issue pending out there and it goes along with sewers and people need to be aware of this about our sewer system. Our sewer system out there is quite old but it's still efficient. But we're having this little problem with who's responsible for roots going into the sewer system. We just had a big incident in the past few days and it's gotten resolved, but when it all came down to it, the problem was all on the side of the property owner because of these roots going into the sewer system. I think this item needs to be brought back to council for discussion of who is actually going to be responsible for all the action that was taken and try and resolve the blockage in the sewer lines. It was all due to these great trees out there that are filtering into our sewer system and causing this problem. It is something that I would ask the council to begin to think about and hopefully entertain in the near future. Then, the final thing is I've just seen that Globe is concerned about the highway bypass and certainly we're involved in addressing that issue so we'll be back in the near future to council with some kind of action concerning the Highway 60 expansion.

#### **K. ADJOURNMENT**

**MOTION:** Council Member Tomerlin moved to adjourn. Council Member Peralta seconded.

**VOTE:** The vote to adjourn was unanimous of all present. Mayor Hing adjourned the meeting at 8:25 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 18th day of August 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

**Lou Digirolamo** \_\_\_\_\_

**Deputy Town Clerk/Police Chief**

These Minutes were compiled and transcribed by  
Cindy Tracy

An Independent Contractor.

(Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.)